

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-against-

VITO NIGRO,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/25/2021

20 Cr. 370 (AT)

ORDER

A sentencing proceeding is scheduled in this matter for **July 1, 2021, at 1:00 p.m.**, to proceed via videoconference.

Under the terms of Section 15002(b)(2) of the CARES Act, Pub. L. No. 116-136 (2020), the Judicial Conference of the United States has found that emergency conditions due to the national emergency declared by the President with respect to COVID-19 materially have affected and will materially affect the functioning of the federal courts, and the Chief Judge of this district has entered an order finding that “felony pleas under Rule 11 of the Federal Rules of Criminal Procedure [and] felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure . . . cannot . . . be conducted in person without seriously jeopardizing public health and safety,” and authorizing such proceedings to be conducted by “video teleconferencing, or telephone conferencing if video conferencing is not reasonably available . . . with the consent of the defendant . . . after consultation with counsel and upon a finding by the presiding judge that the proceeding cannot be further delayed without serious harm to the interests of justice.” *In re Coronavirus/Covid-19 Pandemic*, No. 20 Misc. 176 (S.D.N.Y. June 15, 2021), ECF No. 6.

Defendant having consented to this sentencing proceeding being conducted via videoconference, ECF No. 23, the Court finds that this proceeding cannot be further delayed without serious harm to the interests of justice because it will result in the expeditious resolution of this matter, without the need to expend substantial court resources and the possibility of a lengthy delay before a jury trial can be conducted. Accordingly, pursuant to Section 15002(b)(2)(A) of the CARES Act, the change of plea hearing shall proceed by videoconference.

Co-counsel, members of the press, and the public may access the audio feed of the proceeding scheduled for July 1, 2021, by calling (888) 398-2342 or (215) 861-0674 and entering access code 5598827. All of those accessing the proceeding—whether in listen-only mode or otherwise—are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

SO ORDERED.

Dated: June 25, 2021
New York, New York



ANALISA TORRES
United States District Judge